

CITY OF FORT WORTH, TEXAS

ORDINANCE NO. 18083-05-2008

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT WORTH, TEXAS (1986) AS AMENDED, BY ADDING ARTICLE VIII, TRANSPORTATION IMPACT FEES, TO CHAPTER 30, STREETS AND SIDEWALKS, TO ESTABLISH IMPACT FEES FOR TRANSPORTATION FACILITIES; INCORPORATING LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PLANS FOR SUCH FACILITIES; ESTABLISHING SERVICE AREAS FOR SUCH FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR COLLECTION AND ASSESSMENT OF IMPACT FEES; PROVIDING FOR DISCOUNTS AND CREDITS AGAINST IMPACT FEES; PROVIDING FOR RECOUPMENT; PROVIDING FOR ESTABLISHMENT OF ACCOUNTS FOR IMPACT FEES AND USE OF PROCEEDS OF SUCH ACCOUNTS; PROVIDING FOR APPEALS, RELIEF PROCEDURES AND EXEMPTIONS; PROVIDING FOR REFUNDS; PROVIDING FOR UPDATES TO PLANS AND REVISION OF FEES; PROVIDING FOR AGREEMENTS FOR CAPITAL IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REMEDIES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336, subsequently amended and adopted as Chapter 395 of the Local Government Code authorizing impact fees for "roadway" facilities; and

WHEREAS, on February 19, 2008, via Mayor and Council Communication G-16057, the City Council for the City of Fort Worth adopted Resolution No. 3586-02-2008 adopting land use assumptions and capital improvements plans for purposes of adopting "roadway" impact fees, hereinafter referred to as "transportation impact fees"; and

WHEREAS, the City of Fort Worth has appointed a Capital Improvements Advisory Committee for Transportation Impact Fees to advise the City Council concerning the land use assumptions, impact fee capital improvements plans and impact fees for transportation facilities; and

WHEREAS, this Ordinance is intended to and satisfies the statutory requirements for adoption of impact fees; and

WHEREAS, the City Council finds that in all things the City has complied with Chapter 395 of the Texas Local Government Code in the notice, adoption, promulgation and methodology necessary to adopt impact fees; and

WHEREAS, the City Council further finds that the City's existing policies for construction of transportation improvements to support new development are fully compatible with imposition of transportation impact fees; and

WHEREAS, the City Council further finds that construction and funding of new roads to serve new development in the City is essential to the continued public health, safety and general welfare of the citizens of Fort Worth; and

WHEREAS, the intent of the City Council in establishing a transportation impact fee is to impose an initial impact fee collection rate which is at least revenue-neutral for the City in constructing or funding such transportation improvements relative to the current Policy for the Installation of Community Facilities; and

WHEREAS, the City Council further finds that certain development projects which were approved prior to the imposition of transportation impact fees have supplied road capacity in excess of that required to serve existing development within the project and that such construction should be credited against collection of future transportation impact fees as additional development occurs in the project; and

WHEREAS, the City Council further finds that it is appropriate to reduce the collection rate of transportation impact fees in circumstances where the development project reduces trip generation that otherwise would be expected, or otherwise contributes to City policies favoring compact and orderly growth of the City; and

WHEREAS, the City Council further finds that a discount to the collection rate for transportation impact fees for proximity of a development to existing transportation facilities with adequate capacity furthers the City's objectives to accommodate growth and development while providing adequate public facilities and conserving the City's fiscal resources; and

WHEREAS, the City Council further finds that a discount to the collection rate for transportation impact fees for developments that result in extraordinary capital investment and quality job creation furthers the City's objectives to provide employment in proximity to the homes of workers and thus facilitates the overall transportation objectives of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

1.

That the Code of Ordinances, City of Fort Worth, Texas (1986), as amended, is hereby further amended by adding a new Article VIII entitled "Transportation Impact Fees," to Chapter 30, Streets and Sidewalks, to read as follows:

Article VIII

TRANSPORTATION IMPACT FEES

I. General Provisions

SECTION 1-1. Short Title

This Article shall be known and cited as the Fort Worth Transportation Impact Fee Regulations.

SECTION 1-2. Purpose

This Article is intended to assure the provision of adequate transportation facilities to serve new development in the City by requiring each development to pay a share of the costs of such improvements necessitated by and attributable to such new development.

SECTION 1-3. Authority

This Article is adopted pursuant to Texas Local Government Code Chapter 395 and the Fort Worth City Charter. The provisions of this Article shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Article. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Article.

SECTION 1-4. Definitions

- A. Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Article.
- B. Capital improvement means a transportation facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.
- C. Capital Improvements Advisory Committee means the City's Plan Commission, together with such ad hoc representatives as may be appointed from time to time, to fulfill the composition mandated by Tex. Loc. Gov't Code sec. 395.058.
- D. City means the City of Fort Worth, Texas.
- E. Credit means a reduction in the amount of a transportation impact fee for a new development, either by a decrease in the number of service units attributable to such development or a decrease in the amount of transportation impact fees otherwise due,

that results from contributions of land, improvements or funds to construct system improvements in accordance with the City's subdivision and development regulations, policies or requirements.

- F. Facilities expansion means a transportation facility expansion.
- G. Final plat approval means the point at which the applicant has complied with all conditions of approval and the Executive Secretary of the City Plan Commission executes the applicant's plat. The term applies both to original plats and replats.
- H. Impact fee means a fee for transportation facilities imposed on new development by the City pursuant to this Article in order to generate revenue to fund or recoup all or part of the costs of capital improvements or facility expansion necessitated by and attributable to such new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements, imposed pursuant to the City's zoning or subdivision regulations.
- I. Land use assumptions means the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the transportation impact fee capital improvements plans are based.
- J. Land use equivalency table means a table converting the demands for capital improvements generated by various land uses to numbers of service units, as may be amended from time to time. The land use equivalency table may be incorporated in a schedule of impact fee rates.
- K. New development means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of land, which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval and filing with the County in which the property is located of a plat pursuant to the City's subdivision regulations or the issuance of a building permit, and which has not been exempted from these regulations by provisions herein.
- L. Property owner means any person, corporation, legal entity or agent thereof having a legal or equitable interest in the land for which an impact fee becomes due. Property owner includes the developer for the new development.
- M. Recoupment means the imposition of an impact fee to reimburse the City for capital improvements which the City has previously oversized to serve new development.

- N. Roadway means any principal, major or minor arterial or collector designated in the City's adopted Master Thoroughfare Plan, as may be amended from time to time. Roadway also includes any thoroughfare designated as a numbered highway on the official federal or Texas highway system; to the extent that the City incurs capital improvement costs for such facility.
- O. Service area means a transportation service area within the City, within which impact fees for transportation improvements or transportation facility expansions may be collected for new development occurring within such area and within which fees so collected will be expended for those types of improvements or expansions identified in the transportation improvements plan applicable to the service area.
- P. Service unit means a vehicle mile. A vehicle-mile shall be defined as one (1) vehicle traveling a distance of one (1) mile during the afternoon peak hour.
- Q. Site-related facility means an improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of transportation facilities to serve the new development, and which is not included in the transportation improvements plan and for which the developer or property owner is solely responsible under subdivision or other applicable development regulations.
- R. System facility means a transportation improvement or facility expansion which is designated in the transportation improvements plan and which is not a site-related facility. System facility may include a transportation improvement which is located offsite, or within or on the perimeter of the development site.
- S. Transportation facility means an improvement or appurtenance to a roadway which includes, but is not limited to, rights-of-way, whether conveyed by deed or easement; intersection improvements; traffic signals; turn lanes; drainage facilities associated with the transportation facility; street lighting or curbs, and water and wastewater improvements affected by the transportation facility. Transportation facility also includes any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or Texas highway system, and to any improvements or appurtenances to such federal or Texas highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Transportation facility excludes those improvements or appurtenances to any roadway which is a site-related facility.
- T. Transportation facility expansion means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.

- U. Transportation improvements plan means the adopted plan, as may be amended from time to time, which identifies the transportation facilities or transportation facility expansions and their costs for each transportation service area, which are necessitated by and which are attributable to new development, for a period not to exceed 10 years, which are to be financed in whole or in part through the imposition of transportation impact fees pursuant to this Article.

SECTION 1-5. Applicability

The provisions of this Article apply to all new, non-exempt development within the corporate boundaries of the City located within a transportation service area.

SECTION 1-6. Computation of Maximum Impact Fees Per Service Unit

- A. Maximum transportation impact fees per service unit shall be established for each service area. The maximum impact fee per service unit for each service area shall be computed in the following manner:
- (1) Calculate the total projected costs of transportation improvements necessitated by and attributable to new development in the service area identified in the transportation improvements plan;
 - (2) From such amount, subtract a credit equal to the amount of that portion of ad valorem tax revenues, if any, to be generated by new service units during the period the transportation improvements plan is in effect, including the payment of debt, associated with the transportation improvements in the plan.
 - (3) Divide the resultant amount by the total number of service units anticipated within the service area, based upon the land use assumptions for that service area.
- B. The impact fee per service unit which is to be paid by each new development within a service area shall be that established by ordinance by the City Council, as such may be amended from time to time, and shall be an amount less than or equal to the maximum impact fee per service unit established in Subsection A.
- C. The City may vary the rates of collection or amount of transportation impact fees per service unit among or within service areas in order to reasonably further goals and policies affecting the adequacy of transportation facilities serving new development, or other regulatory purposes affecting the type, quality, intensity, economic development potential or development timing of land uses within such service districts.

- D. The maximum impact fee per service unit for transportation facilities, as may be amended from time to time, hereby is declared to be an approximate and appropriate measure of the impacts generated by a new unit of development on the City's transportation system. To the extent that the impact fee charged against a new development, as may be amended from time to time, is less than the maximum impact fee per service unit, such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the new development on the City's transportation system. The maximum impact fee may be used in evaluating any claim by a property owner that the dedication or construction of a capital improvement imposed as a condition of development approval pursuant to the City's subdivision or development regulations is disproportionate to the impacts created by the development on the City's transportation system.

SECTION 1-7. Use of Proceeds of Impact Fee Accounts

- A. The transportation impact fees collected for each service area pursuant to these regulations may be used to finance or to recoup the costs of any transportation improvements or facility expansions identified in the transportation improvements plan for the service area, including but not limited to the construction contract price, surveying and engineering fees, and land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Transportation impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such transportation improvements or facility expansions. Transportation impact fees also may be used to pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the transportation improvements plan.
- B. Transportation impact fees collected pursuant to this Article shall not be used to pay for any of the following expenses:
- (1) construction, acquisition or expansion of transportation improvements or assets other than those identified in the applicable transportation improvements plan;
 - (2) repair, operation, or maintenance of existing or new transportation improvements or facility expansions;
 - (3) upgrade, expansion or replacement of existing transportation improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
 - (4) upgrade, expansion, or replacement of existing transportation improvements to provide better service to existing development; provided, however, that

impact fees may be used to pay the costs of upgrading, expanding or replacing existing transportation improvements in order to meet the need for new transportation improvements generated by new development; or

- (5) administrative and operating costs of the City.

SECTION 1-8. Establishment of Accounts

- A. The City's Finance Department shall establish an account to which interest is allocated for each service area for which a transportation impact fee is imposed pursuant to this Article. Each impact fee collected within the service area shall be deposited in such account.
- B. Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in Section 1-7.
- C. The City's Finance Department shall establish adequate financial and accounting controls to ensure that transportation impact fees disbursed from the account are utilized solely for the purposes authorized in Section 1-7. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Article; provided, however, that any road impact fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- D. The City's Finance Department shall maintain and keep financial records for transportation impact fees, which shall show the source and disbursement of all fees collected in or expended from each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.

SECTION 1-9. Functions of Capital Improvements Advisory Committee for Transportation Impact Fees

- A. The Capital Improvements Advisory Committee for Transportation Impact Fees shall perform the following functions:
 - (1) advise and assist the City in adopting land use assumptions;
 - (2) review the transportation improvements plans and file written comments on impact fees;
 - (3) monitor and evaluate implementation of the transportation improvements plans;

- (4) advise the City of the need to update or revise the land use assumptions, transportation improvements plans and transportation impact fees; and
 - (5) file a semiannual report, which shall be circulated among interested organizations, evaluating the progress of the transportation improvements plans and identifying perceived inequities in implementing the plans or administering the transportation impact fees.
- B. The City shall make available to the Capital Improvements Advisory Committee for Transportation Impact Fees any professional reports prepared in the development or implementation of the transportation improvements plans.
- C. The City Council will adopt procedural rules for the Capital Improvements Advisory Committee for Transportation Impact Fees to follow in carrying out its duties.

SECTION 1-10. Use of Other Financing Mechanisms

- A. The City may finance transportation improvements or facility expansions designated in the transportation improvements plan through the issuance of bonds, through the formation of public utility districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
- B. Except as herein otherwise provided, the assessment and collection of a transportation impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.
- C. The City Council may decide that the City shall pay all or a part of transportation impact fees due for a new development pursuant to duly adopted criteria.

SECTION 1-11. Impact Fee as Additional and Supplemental Regulation

- A. Transportation impact fees established by these regulations are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such fee is intended to be consistent with and to further the policies of City's comprehensive land use plan, the capital improvements plan, the zoning ordinance, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

- B. This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations and policies of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

II. Assessment and Collection of Impact Fees

SECTION 1-12. Assessment and Collection Schedules for Impact Fees

The amount of the impact fees to be assessed by land use type shall be as set forth in Schedule 1, attached hereto and made a part of this Article by reference. The amount of the impact fees which are to be paid by land use type shall be as set forth in Schedule 2 attached hereto and made a part of this Article by reference. The amount of the impact fees to be collected by vehicle mile may be phased over a period of years, such amount to be set forth by year in Schedule 2. Schedules 1 and 2 may be amended from time to time utilizing the amendment procedure set forth in Section 1-17.

SECTION 1-13. Assessment of Impact Fees

- A. Assessment of the impact fee for any new development shall be made as follows:
- (1) For a new development which has received final plat approval before the effective date of this Ordinance, assessment of impact fees shall occur on the effective date of this Ordinance, and shall be the amount of the maximum impact fee per service unit as set forth in Schedule 1.
 - (2) For land which is unplatted at the time of application for a building permit, and for which no plat is necessary pursuant to the City's subdivision regulations prior to development, assessment of transportation impact fees shall occur at the time application is made for the building permit, and shall be the amount of the maximum impact fee per service unit as set forth in Schedule 1 then in effect.
 - (3) For a new development which is submitted for approval pursuant to the City's subdivision regulations or which is proposed for replatting on or after the effective date of this Ordinance, assessment of impact fees shall be at the time of final plat or replat approval, and shall be the amount of the maximum impact fee per service unit as set forth in Schedule 1 then in effect.
- B. Following assessment of the impact fee pursuant to Subsection (A), the amount of the impact fee assessment per service unit for that development cannot be increased,

unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application that results in approval of additional service units, in which case a new assessment shall occur at the Schedule 1 rate then in effect for such additional service units.

- C. Approval of an amending plat pursuant to Tex. Loc. Gov't Code, Section 212.016 and the City's subdivision regulations is not subject to reassessment for an impact fee.

SECTION 1-14. Collection of Impact Fees.

- A. Transportation impact fees shall be collected at the time the City issues a building permit for a new development, unless a different time is provided for in an agreement for capital improvements pursuant to Subsection B.
- B. The impact fees to be paid and collected per service unit for a new development shall be the amount listed in Schedule 2 in effect at the time of final plat approval for a period of two years after such approval, and thereafter shall be the amount listed in Schedule 2 then in effect. The City may enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.
- C. The Director of Transportation and Public Works or his or her delegate shall compute the transportation impact fees for a new development in the following manner:
 - (1) The Director shall first determine whether the new development is eligible for credits calculated in accordance with Article III that reduce impact fees otherwise due in whole or in part;
 - (2) To the extent that impact fees are owed for the new development after application of available credits, the Director shall next determine whether the new development qualifies for any discount computed in accordance with Section 1-14(D), and shall apply such discounted rate(s) to reduce impact fees due.
 - (3) The total amount of the impact fees for the new development shall be calculated and attached to the development application as a condition of approval.
 - (4) An applicant may submit an alternative service unit computation based upon a trip generation study for the proposed development by petitioning for amendment of the land use equivalency table or including the study in an appeal taken pursuant to Section 1-18.

D. The following discounts shall apply to reduce Schedule 2 transportation impact fees otherwise due:

(1) Adequate public facilities discount. The Schedule 2 transportation impact fees shall be reduced by 15% for any development where (a) one or more points of access serve at least 75% of the PM peak-hour site-generated traffic volumes; and (b) such point(s) connect the development to the City's thoroughfare system, as depicted in the City's Master Thoroughfare Plan (MTP); and (c) the transportation facility so connected has been improved to its ultimate capacity as classified under the current Master Thoroughfare Plan, or will be improved to its ultimate capacity within twenty-four (24) months of the date of final plat approval for the development pursuant to a funded capital improvement plan of the City. Eligibility for this discount must be determined no later than final plat approval.

(2) Land use/transportation connection discount. The amount of transportation impact fees due under Schedule 2 shall be reduced up to 15% for any development where an accepted traffic impact study demonstrates that the development will reduce the vehicle trips from those contained in the adopted land use equivalency table, to one of the following:

5 to 9% Trip Capture:	5% Impact Fee Reduction
10 to 14% Trip Capture:	10% Impact Fee Reduction
15% or > Trip Capture:	15% Impact Fee Reduction

(3) Extraordinary investment discount. The amount of transportation impact fees due under Schedule 2 shall be reduced 15% for any development that results in the following qualifications, as jointly determined by the Departments of Transportation and Public Works, and the Department of Economic & Community Development: (1) \$15 Million in capital investment; (2) creation of 100 new jobs; and (3) the projected salary of the new jobs is at least twice the current minimum wage, plus benefits. For each additional \$15 Million in capital investment or additional 100 qualified new jobs, the impact fee amount due under Schedule 2 will be further reduced by an additional 5%, up to a maximum reduction of 50%. A development may receive this discount and have a period of up to three (3) years from the issuance of a building permit to qualify under the terms of this discount. Impact fees otherwise paid shall be refunded to the original payee at the time of issuance of the building permit. A development shall refund a pro rata share of this discount should the development not continue to maintain the number of new jobs for a period of at least ten (10) years from the date of building permit (or the date of qualification for this discount), equal to 10% per annum for each year that the number of jobs is not maintained. The terms related to this discount shall be incorporated within an agreement for credits pursuant to Section 1-16.

- (4) Discounts cumulative. Discounts identified in subparagraphs (1) to (3) are cumulative, so that a development that qualifies for the maximum discount under each provision may reduce impact fees otherwise due up to 80%.
 - (5) Burden of proof. The applicant for a discount provided for in this Section has the burden of proof to show that the development qualifies for the discount.
- E. The amount of each impact fee for a new development shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to Section 1-13 by the number of service units generated by the development.
- F. If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using Schedule 2 then in effect, with credits for previous payment of fees being applied against the new fees due.
- G. Whenever the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using Schedule 2 then in effect, and such additional fee shall be collected at the times prescribed by this section.
- H. Notwithstanding any other provision of this Article, no transportation impact fee may be collected for a new development which is subject to a final plat approved prior to the effective date of these regulations, for which a building permit was issued either (i) within two years of the date of final plat approval or (ii) within one year of the effective date of this Ordinance, whichever is longer; provided that if a building permit expires or is withdrawn for such new development and a new building permit is not issued within the time herein provided, the development for which the permit was issued shall thereafter be subject to collection of transportation impact fees in accordance with this section.

III. Credits Against Impact Fees

SECTION 1-15. Credits Against Transportation Impact Fees.

- A. The City shall credit the contribution of land, improvements or funding for construction of any system facility that is required or agreed to by the City, pursuant to rules established in this section or pursuant to administrative guidelines promulgated by the City. The credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the transportation facility.

- B. Master planned projects, including subdivisions containing multiple phases, and whether approved before or after the effective date of these impact fee regulations, may apply for credits against transportation impact fees for the entire project based upon contributions of land, improvements or funds toward construction of system facilities, or other transportation improvements supplying excess capacity. Credits shall be determined by comparing vehicle miles of capacity supplied by the project with vehicle miles of capacity to be consumed by development within the project, utilizing a methodology approved by the City. The credit determination shall be incorporated within an agreement for credits, in accordance with Section 1-16.
- C. For all other developments, the City's current policies and regulations governing Community Facilities Agreements shall apply to determine a new development's obligations to construct adjacent system facilities. The obligation to construct, however, shall not exceed the demand for transportation facilities generated by the new development expressed in vehicle-miles, nor shall the costs of improvements exceed the maximum impact fees assessed against the new development under Schedule 1. Construction required under such policies and regulations shall be credited against the amount of transportation impact fees otherwise due. If the costs of constructing a system facility in accordance with the community facilities agreement are greater than the amount of impact fees due, the amount of the credit due shall be deemed to be 100% of the impact fees and no impact fee shall be collected thereafter for the development, unless the number of service units is subsequently increased.
- D. All credits against transportation impact fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines, including the following standards:
- (1) No credit shall be given for the dedication or construction of site-related facilities.
 - (2) No credit shall be given for a transportation facility which is not identified within the transportation improvements plan, unless the facility is on or qualifies for inclusion on the Master Thoroughfare Plan and the City agrees that such improvement supplies capacity to new developments other than the development paying the transportation impact fee and provisions for credits are incorporated in an agreement for credits pursuant to Section 1-16.
 - (3) In no event will the City grant a credit when no transportation impact fees can be collected pursuant to this Article or for any amount exceeding the total transportation impact fees due for the development, unless expressly agreed to by the City in writing.

- (4) The City may participate in the costs of a system improvement to be dedicated to the City, including costs that exceed the amount of the impact fees due for the development, in accordance with policies and rules established by the City. The amount of any credit for construction of a system facility shall be reduced by the amount of any participation funds received from the City.
- (5) Where funds for transportation facilities have been escrowed through a Community Facilities Agreement or Future Improvements Agreement for transportation facilities that was executed with the City prior to the effective date of this Article, the following rules apply:
 - (a) Funds expended under the agreement for transportation facilities shall first be credited against the amount of transportation impact fees that would have been due under Schedule 2 for those units of development for which building permits already have been issued;
 - (b) Any remaining funds shall be credited against impact fees due for the development under Schedule 2 at the time building permits are issued.
- E. Credits for construction of improvements shall be deemed created when the improvements are completed and the City has accepted the facility, or in the case of improvements constructed and accepted prior to the effective date of this Ordinance, on such effective date. Credits created after the effective date of this Ordinance shall expire 10 years from the date the credit was created. Credits arising prior to such effective date shall expire ten years from such effective date. Upon application by the property owner, the City may agree to extend the expiration date for the credit on mutually agreeable terms.
- F. Unless an agreement for credits under Section 1-16 is executed providing for a different manner of applying credits against transportation impact fees due, a credit associated with a plat shall be applied at the time of application for the first building permit and, at each building permit application thereafter, to reduce impact fees due until the credit is exhausted.

SECTION 1-16. Agreement for Credits

An owner of a new development who has constructed or financed a transportation improvement or facility expansion designated in the transportation improvements plan, or other transportation improvement that supplies excess capacity, as required or authorized by the City, shall enter into an agreement with the City to provide for credits against transportation impact fees due for the development in accordance with Section 1-15. The agreement shall identify the basis for and the method for computing and the amount of the

credit due and any reduction in credits attributable to consumption of road capacity by developed lots or tracts served by the transportation improvements. For multi-phased projects, the City may require that total credits be proportionally allocated among the phases. If authorized by the City, the agreement also may provide for allocation of credits among new developments within the project, and provisions for the timing and collection of impact fees.

IV. Update and Relief Procedures

SECTION 1-17. Updates to Plans and Revision of Fees

- A. The City shall update its land use assumptions and transportation improvements plans at least every five (5) years, commencing from the date of adoption of such plans, and shall recalculate the transportation impact fees based thereon in accordance with the procedures set forth in Texas Local Gov't Code, Ch. 395, or in any successor statute.
- B. The City may review its land use assumptions, transportation impact fees, transportation improvements plans and other factors such as market conditions more frequently than provided in Subsection (A) to determine whether the land use assumptions and transportation improvements plans should be updated and the transportation impact fees recalculated accordingly, utilizing statutory update procedures.
- C. Schedule 2 may be amended without revising land use assumptions and transportation improvements plans at any time prior to the update provided for in Subsection (A), provided that the transportation impact fees to be collected under Schedule 2 do not exceed the transportation impact fees assessed under Schedule 1. Public notice and hearing is required to amend Schedule 2 in accordance with the procedure for amending impact fees set forth in Texas Local Gov't Code, Ch. 395, or in any successor statute.
- D. If, at the time an update is required pursuant to Subsection (A), the City Council determines that no change to the land use assumptions, transportation improvements plan or transportation impact fees are needed, it may dispense with such update by following the procedures in Texas Local Gov't Code, Section 395.0575 or successor statute.
- E. The City may amend any other provisions of this Ordinance in accordance with procedures for ordinance amendments contained in the City's Charter.

SECTION 1-18. Appeals

- A. The property owner or applicant for new development may appeal the following administrative decisions to the City Council.
- (1) the applicability of a transportation impact fee to the development;
 - (2) the amount of the transportation impact fee due;
 - (3) the availability of, the amount of, or the expiration of a credit;
 - (4) the application of a credit against a transportation impact fee due;
 - (5) the amount of the transportation impact fee in proportion to the benefit received by the new development;
 - (6) the amount of a refund due, if any; or
 - (7) the availability of a discount against the collection of transportation impact fees.
- B. The burden of proof shall be on the appellant to demonstrate that relief should be granted by the City.
- C. The appellant must file a written notice of appeal with the City Manager within thirty (30) days following the decision appealed from. The City Manager or his designee ("Manager") may resolve the appeal, if the appellant agrees with the Manager's decision, or refer the matter to the City Council for decision with the Manager's recommendation, if the appellant requests City Council review after receiving the Manager's decision. If City Council review is requested after the appellant has received the Manager's decision, the City Secretary shall schedule a public hearing at which the appellant may present testimony and evidence before the City Council. The City Council shall act on the appeal within 60 days of receipt of the notice of appeal by the City.
- D. If the notice of appeal is accompanied by a payment or other security satisfactory to the City Attorney in an amount equal to the original determination of the transportation impact fee due, the City shall process and may issue a building permit if other requirements are met while the appeal is pending.

SECTION 1-19. Refunds

- A. Upon application, any transportation impact fee or portion thereof collected pursuant to these regulations, which has not been expended within the service area within ten

(10) years from the date of payment, shall be refunded to the record owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Chapter 1.03, Title 79, Revised Statutes (Chapter 5069-1.03, Vernon's Texas Civil Statutes), or its successor statute. The application for refund pursuant to this section shall be submitted within sixty (60) days after the expiration of the ten-year period for expenditure of the fee. An impact fee shall be considered expended on a first-in, first out basis.

- B. An impact fee collected pursuant to these regulations shall also be considered expended if the total expenditures for transportation improvements or facility expansions authorized within the service area within ten (10) years following the date of payment exceeds the total fees collected within the service area for such improvements or expansions during such period.
- C. If a refund is due pursuant to Subsections A or B, the City shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

SECTION 1-20. Rebates

If the building permit for a new development for which a transportation impact fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the City shall, upon written application, rebate the amount of the impact fee to the record owner of the property for which the impact fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

SECTION 1-21. Waivers and Exemptions

- A. Pursuant to Tex. Loc. Gov't Code Section 395.022, as amended, a school district is not required to pay transportation impact fees imposed under this Ordinance unless the board of trustees of the district consents to the payment of the fees by entering a contract with the City imposing the fees.
- B. Impact fees will be waived for qualified Neighborhood Empowerment Zone (NEZ) projects or properties.

SECTION 1-22. Relief procedures

- A. Any person who has paid a transportation impact fee or an owner of land upon which a transportation impact fee has been paid may petition the City Council to determine whether any duty required by this Ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the duty be performed within sixty days of the request. If the City Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion. This subsection is not applicable to matters which may be appealed pursuant to Section 1-18.
- B. The City Council may grant a variance from any requirement of this Article, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property. The request for a variance shall be processed and decided as an appeal under Section 1-18.
- C. If the City Council grants a variance to the amount of the transportation impact fee due for a new development under this section, it may cause to be appropriated from other City funds the amount of the reduction in the impact fee to the account for the service area in which the property is located.

V. Transportation Impact Fees

SECTION 1-23. Transportation Service Areas

- A. There are hereby established twenty-seven (27) transportation service areas, constituting land within City boundaries, as depicted on Exhibit 1 attached hereto and incorporated by reference herein.
- B. The boundaries of the transportation service areas may be amended from time to time, or new transportation service areas may be delineated, pursuant to the procedures in Section 1-17.

SECTION 1-24. Transportation Improvements Plan

- A. The Transportation Improvements Plan for the City of Fort Worth as presented in the "Transportation Impact Fee Final Report," December 2007, prepared by Kimley-Horn and Associates, Inc., and on file with the City Secretary is hereby adopted.

- B. The Transportation Improvements Plan may be amended from time to time, pursuant to the procedures in Section 1-17.

SECTION 1-25. Transportation Impact Fees

- A. The maximum impact fees per service unit for transportation facilities are hereby adopted and incorporated in Schedule 1 attached hereto and made a part hereof by reference.
- B. The impact fees per service unit for transportation facilities, which are to be paid by each new development, are hereby adopted and incorporated in Schedule 2 attached hereto and made a part hereof by reference.
- C. The impact fees per service unit for transportation facilities may be amended from time to time, pursuant to the procedures in Section 1-17(A) through (C).

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Fort Worth, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are hereby superseded.

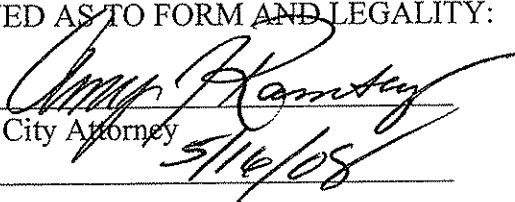
3.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of any other section, sentence, clause or phrase of this Ordinance the remaining portions of this Ordinance.

4.

This Ordinance shall become effective July 1, 2008.

APPROVED AS TO FORM AND LEGALITY:


Assistant City Attorney

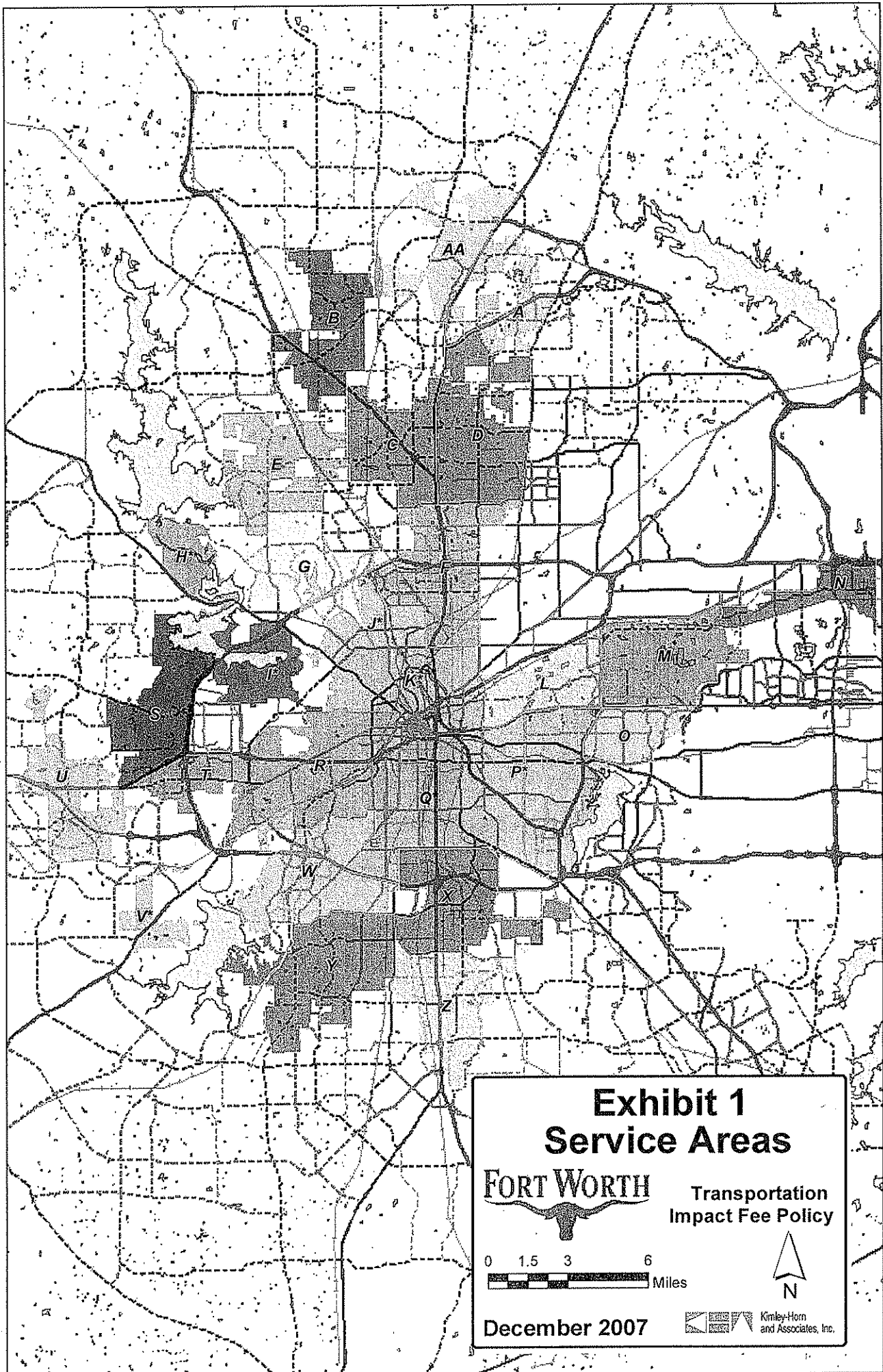
Date:

ADOPTED: May 13, 2008

EFFECTIVE: July 1, 2008

Land Use Category		ITE Land Use Code	Development Unit																							
Schedule 1: Maximum Assessable Transportation Impact Fee Per Development Unit																										
A	AA	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
\$ 4,156	\$ 2,068	\$ 6,609	\$ 21,005	\$ 32,193	\$ 11,800	\$ 24,179	\$ 20,316	\$ 47,589	\$ 24,332	\$ 33,562	\$ 31,739	\$ 21,822	\$ 18,609	\$ 3,371	\$ 32,387	\$ 39,811	\$ 51,103									
\$ 4,156	\$ 369	\$ 9,889	\$ 3,142	\$ 4,866	\$ 4,738	\$ 1,900	\$ 3,707	\$ 10,329	\$ 3,643	\$ 8,013	\$ 5,047	\$ 3,565	\$ 2,784	\$ 594	\$ 4,905	\$ 5,956	\$ 7,894									
\$ 3,122	\$ 215	\$ 6,868	\$ 2,182	\$ 3,365	\$ 3,404	\$ 1,304	\$ 2,515	\$ 2,111	\$ 4,945	\$ 5,585	\$ 3,405	\$ 2,476	\$ 1,931	\$ 413	\$ 3,407	\$ 4,136	\$ 5,317									
\$ 4,103	\$ 277	\$ 8,800	\$ 2,158	\$ 4,176	\$ 4,176	\$ 1,688	\$ 3,254	\$ 2,688	\$ 6,230	\$ 7,044	\$ 4,431	\$ 3,179	\$ 2,444	\$ 522	\$ 4,408	\$ 5,468	\$ 7,406									
\$ 3,155	\$ 301	\$ 6,425	\$ 2,042	\$ 3,149	\$ 3,091	\$ 1,291	\$ 2,408	\$ 1,975	\$ 4,636	\$ 5,267	\$ 3,279	\$ 2,316	\$ 1,790	\$ 391	\$ 3,419	\$ 4,148	\$ 5,268									
\$ 1,394	\$ 89	\$ 2,840	\$ 982	\$ 1,392	\$ 1,368	\$ 546	\$ 1,065	\$ 973	\$ 2,045	\$ 2,291	\$ 1,482	\$ 1,024	\$ 799	\$ 171	\$ 1,609	\$ 1,910	\$ 2,281									
\$ 5,993	\$ 383	\$ 12,093	\$ 3,878	\$ 5,981	\$ 5,872	\$ 2,345	\$ 4,578	\$ 3,781	\$ 8,303	\$ 4,897	\$ 9,890	\$ 6,230	\$ 4,489	\$ 733	\$ 6,064	\$ 7,331	\$ 9,903									
\$ 3,678	\$ 214	\$ 7,924	\$ 2,381	\$ 3,678	\$ 3,678	\$ 1,307	\$ 2,316	\$ 1,931	\$ 4,924	\$ 5,592	\$ 3,207	\$ 2,263	\$ 1,769	\$ 378	\$ 3,117	\$ 3,785	\$ 5,048									
\$ 3,088	\$ 177	\$ 6,100	\$ 2,020	\$ 3,088	\$ 3,088	\$ 1,200	\$ 2,316	\$ 1,931	\$ 4,924	\$ 5,592	\$ 3,207	\$ 2,263	\$ 1,769	\$ 378	\$ 3,117	\$ 3,785	\$ 5,048									
\$ 2,601	\$ 160	\$ 5,100	\$ 1,766	\$ 2,601	\$ 2,601	\$ 1,044	\$ 2,020	\$ 1,653	\$ 4,330	\$ 4,917	\$ 2,917	\$ 2,007	\$ 1,558	\$ 248	\$ 2,316	\$ 2,894	\$ 3,785									
\$ 1,205	\$ 83	\$ 2,638	\$ 845	\$ 1,205	\$ 1,205	\$ 511	\$ 997	\$ 817	\$ 1,914	\$ 2,154	\$ 1,357	\$ 958	\$ 748	\$ 160	\$ 1,319	\$ 1,601	\$ 2,128									
\$ 1,879	\$ 100	\$ 3,427	\$ 1,216	\$ 1,875	\$ 1,841	\$ 735	\$ 1,435	\$ 1,176	\$ 2,755	\$ 3,101	\$ 1,953	\$ 1,379	\$ 1,077	\$ 236	\$ 1,803	\$ 2,191	\$ 2,984									
\$ 1,493	\$ 95	\$ 3,041	\$ 968	\$ 1,489	\$ 1,463	\$ 584	\$ 1,149	\$ 935	\$ 2,189	\$ 2,404	\$ 1,552	\$ 1,083	\$ 836	\$ 153	\$ 1,348	\$ 1,623	\$ 2,144									
\$ 3,976	\$ 253	\$ 9,096	\$ 2,773	\$ 3,968	\$ 3,895	\$ 1,556	\$ 3,035	\$ 2,408	\$ 5,139	\$ 3,893	\$ 6,561	\$ 4,133	\$ 2,919	\$ 486	\$ 4,016	\$ 4,876	\$ 6,394									
\$ 4,943	\$ 601	\$ 11,533	\$ 3,514	\$ 4,938	\$ 4,865	\$ 1,856	\$ 3,354	\$ 2,727	\$ 6,084	\$ 3,392	\$ 712	\$ 1,467	\$ 987	\$ 116	\$ 1,559	\$ 1,964	\$ 2,593									
\$ 2,947	\$ 185	\$ 6,133	\$ 2,107	\$ 2,947	\$ 2,947	\$ 1,099	\$ 2,020	\$ 1,653	\$ 4,330	\$ 4,917	\$ 2,917	\$ 2,007	\$ 1,558	\$ 248	\$ 2,316	\$ 2,894	\$ 3,785									
\$ 7,307	\$ 478	\$ 15,265	\$ 4,558	\$ 7,307	\$ 7,234	\$ 2,817	\$ 5,130	\$ 4,098	\$ 11,006	\$ 7,812	\$ 12,887	\$ 8,013	\$ 5,516	\$ 918	\$ 7,352	\$ 9,207	\$ 12,281									
\$ 1,048	\$ 67	\$ 2,135	\$ 618	\$ 1,048	\$ 1,048	\$ 410	\$ 800	\$ 656	\$ 1,537	\$ 1,730	\$ 1,099	\$ 770	\$ 601	\$ 128	\$ 1,039	\$ 1,286	\$ 1,715									
\$ 43,368	\$ 2,763	\$ 48,314	\$ 28,064	\$ 43,380	\$ 42,491	\$ 16,570	\$ 33,107	\$ 27,413	\$ 63,583	\$ 35,537	\$ 71,563	\$ 45,078	\$ 31,835	\$ 5,906	\$ 43,846	\$ 53,199	\$ 70,426									
\$ 10,652	\$ 679	\$ 21,694	\$ 6,593	\$ 10,630	\$ 10,456	\$ 4,168	\$ 8,131	\$ 6,667	\$ 15,671	\$ 11,072	\$ 17,577	\$ 11,072	\$ 7,819	\$ 1,303	\$ 10,739	\$ 13,644	\$ 17,644									
\$ 1,375	\$ 88	\$ 2,799	\$ 890	\$ 1,372	\$ 1,347	\$ 578	\$ 1,049	\$ 866	\$ 2,036	\$ 2,281	\$ 1,439	\$ 1,009	\$ 788	\$ 168	\$ 1,389	\$ 1,686	\$ 2,249									
\$ 27,376	\$ 1,744	\$ 35,748	\$ 17,715	\$ 27,350	\$ 26,222	\$ 10,124	\$ 20,932	\$ 17,171	\$ 40,261	\$ 20,319	\$ 41,784	\$ 28,453	\$ 20,096	\$ 3,349	\$ 27,652	\$ 33,576	\$ 44,786									
\$ 216	\$ 20	\$ 644	\$ 202	\$ 216	\$ 216	\$ 84	\$ 168	\$ 136	\$ 324	\$ 352	\$ 215	\$ 164	\$ 125	\$ 39	\$ 329	\$ 388	\$ 518									
\$ 44	\$ 16	\$ 44	\$ 160	\$ 44	\$ 44	\$ 16	\$ 32	\$ 26	\$ 64	\$ 70	\$ 43	\$ 33	\$ 25	\$ 7	\$ 55	\$ 65	\$ 85									
\$ 435	\$ 28	\$ 86	\$ 283	\$ 434	\$ 426	\$ 170	\$ 332	\$ 272	\$ 638	\$ 718	\$ 452	\$ 319	\$ 249	\$ 53	\$ 460	\$ 538	\$ 712									
\$ 19,315	\$ 1,212	\$ 29,374	\$ 12,312	\$ 19,296	\$ 18,844	\$ 7,566	\$ 14,500	\$ 12,001	\$ 28,348	\$ 14,500	\$ 31,906	\$ 20,077	\$ 14,193	\$ 11,085	\$ 2,866	\$ 19,330	\$ 24,144									
\$ 4,856	\$ 309	\$ 9,889	\$ 3,142	\$ 4,846	\$ 4,748	\$ 1,809	\$ 3,707	\$ 3,039	\$ 7,120	\$ 8,013	\$ 5,047	\$ 3,565	\$ 2,784	\$ 594	\$ 4,905	\$ 5,956	\$ 7,894									
\$ 821	\$ 52	\$ 1,072	\$ 331	\$ 819	\$ 804	\$ 321	\$ 627	\$ 514	\$ 1,204	\$ 1,353	\$ 833	\$ 603	\$ 471	\$ 100	\$ 826	\$ 1,001	\$ 1,343									
\$ 7,356	\$ 481	\$ 15,387	\$ 4,598	\$ 7,341	\$ 7,268	\$ 2,817	\$ 5,130	\$ 4,098	\$ 11,006	\$ 7,812	\$ 12,887	\$ 8,013	\$ 5,516	\$ 918	\$ 7,352	\$ 9,207	\$ 12,281									
\$ 8,036	\$ 513	\$ 16,394	\$ 4,702	\$ 8,019	\$ 7,946	\$ 3,046	\$ 5,409	\$ 4,379	\$ 11,078	\$ 8,009	\$ 13,284	\$ 8,968	\$ 5,910	\$ 4,615	\$ 985	\$ 8,132	\$ 9,874									
\$ 20,817	\$ 1,313	\$ 30,911	\$ 12,312	\$ 20,836	\$ 20,384	\$ 7,660	\$ 15,154	\$ 12,321	\$ 29,450	\$ 13,070	\$ 33,146	\$ 20,819	\$ 14,745	\$ 11,516	\$ 2,638	\$ 20,200	\$ 24,635									
\$ 1,000	\$ 60	\$ 10,025	\$ 6,048	\$ 9,227	\$ 9,157	\$ 3,531	\$ 5,830	\$ 4,715	\$ 13,903	\$ 10,12	\$ 16,422	\$ 9,715	\$ 6,861	\$ 1,413	\$ 9,461	\$ 11,463	\$ 15,290									
\$ 8,100	\$ 516	\$ 16,935	\$ 5,243	\$ 8,084	\$ 7,936	\$ 3,170	\$ 6,183	\$ 5,070	\$ 11,876	\$ 6,077	\$ 13,366	\$ 8,419	\$ 5,946	\$ 1,413	\$ 9,461	\$ 11,463	\$ 15,290									
\$ 6,458	\$ 411	\$ 13,151	\$ 4,179	\$ 6,443	\$ 6,328	\$ 2,327	\$ 4,530	\$ 4,042	\$ 9,409	\$ 4,845	\$ 10,657	\$ 6,213	\$ 4,741	\$ 709	\$ 5,521	\$ 6,731	\$ 9,011									
\$ 10,839	\$ 690	\$ 22,073	\$ 7,014	\$ 10,818	\$ 10,620	\$ 4,242	\$ 8,275	\$ 6,784	\$ 15,882	\$ 8,132	\$ 17,886	\$ 9,515	\$ 6,563	\$ 1,326	\$ 10,949	\$ 13,284	\$ 17,733									
\$ 4,767	\$ 304	\$ 7,907	\$ 2,693	\$ 4,757	\$ 4,671	\$ 1,782	\$ 3,354	\$ 2,727	\$ 6,084	\$ 3,392	\$ 712	\$ 1,467	\$ 987	\$ 116	\$ 1,559	\$ 1,964	\$ 2,593									
\$ 3,491	\$ 222	\$ 7,109	\$ 2,279	\$ 3,471	\$ 3,411	\$ 1,267	\$ 2,458	\$ 2,129	\$ 5,145	\$ 3,619	\$ 5,469	\$ 3,563	\$ 2,563	\$ 427	\$ 3,516	\$ 4,282	\$ 5,712									
\$ 4,483	\$ 283	\$ 9,433	\$ 2,839	\$ 4,463	\$ 4,390	\$ 1,683	\$ 3,311	\$ 2,684	\$ 5,119	\$ 4,091	\$ 11,065	\$ 6,970	\$ 4,923	\$ 3,844	\$ 820	\$ 6,773	\$ 8,224									
\$ 9,890	\$ 630	\$ 20,400	\$ 6,400	\$ 9,870	\$ 9,690	\$ 3,670	\$ 7,550	\$ 6,960	\$ 14,500	\$ 7,420	\$ 16,320	\$ 10,280	\$ 7,269	\$ 5,670	\$ 1,219	\$ 9,990	\$ 12,130									
\$ 1,928	\$ 123	\$ 4,008	\$ 1,274	\$ 1,964	\$ 1,928	\$ 770	\$ 1,502	\$ 1,232	\$ 2,886	\$ 1,477	\$ 3,248	\$ 2,046	\$ 1,443	\$ 1,238	\$ 241	\$ 1,988	\$ 2,414									
\$ 11,512	\$ 733	\$ 23,443	\$ 7,450	\$ 11,489	\$ 11,279	\$ 4,503	\$ 8,788	\$ 7,305	\$ 16,738	\$ 8,637	\$ 19,966	\$ 11,966	\$ 8,451	\$ 6,600	\$ 1,408	\$ 12,618	\$ 15,414									
\$ 4,024	\$ 2,613	\$ 83,541	\$ 26,547	\$ 40,194	\$ 40,194	\$ 16,033	\$ 31,317	\$ 25,676	\$ 60,146	\$ 30,743	\$ 63,461	\$ 42,641	\$ 30,114	\$ 3,019	\$ 41,439	\$ 50,315	\$ 67,115									
\$ 30,985	\$ 1,974	\$ 63,099	\$ 20,051	\$ 30,921	\$ 30,921	\$ 12,122	\$ 23,526	\$ 19,878	\$ 44,741	\$ 23,442	\$ 51,131	\$ 32,407	\$ 22,566	\$ 12,764	\$ 3,791	\$ 31,299	\$ 38,003									
\$ 14,286	\$ 939	\$ 20,099	\$ 6,336	\$ 14,260	\$ 14,260	\$ 5,396	\$ 9,931	\$ 8,231	\$ 21,095	\$ 11,556	\$ 24,417	\$ 15,317	\$ 10,817	\$ 8,448	\$ 1,803	\$ 14,885	\$ 18,074									
\$ 9,230	\$ 633	\$ 20,241	\$ 6,436	\$ 9,206	\$ 9,206	\$ 3,485	\$ 7,180	\$ 6,215	\$ 14,538	\$ 10,560	\$ 16,485	\$ 10,321	\$ 7,289	\$ 5,693	\$ 1,215	\$ 10,835	\$ 12,179									
\$ 11,255	\$ 717	\$ 22,910	\$ 7,283	\$ 11,232	\$ 11,027	\$ 4,404	\$ 8,392	\$ 7,044	\$ 16,301	\$ 8,444	\$ 18,172	\$ 11,699	\$ 8,362	\$ 1,737	\$ 11,369	\$ 13,894	\$ 18,413									
\$ 8,456	\$ 539	\$ 17,220	\$ 5,472	\$ 8,439	\$ 8,358	\$ 3,309	\$ 6,455	\$ 5,492	\$ 12,398	\$ 6,444	\$ 13,554	\$ 8,789	\$ 6,207	\$ 1,336	\$ 10,949	\$ 13,284	\$ 17,733									
\$ 3,469	\$ 348	\$ 11,137	\$ 3,559	\$ 3,458	\$ 3,379	\$ 1,248	\$ 4,175	\$ 3,423	\$ 8,919	\$ 4,103	\$ 9,025	\$ 5,885	\$ 4,015	\$ 216	\$ 3,456	\$ 4,282	\$ 5,712									
\$ 13,994	\$ 891	\$ 28,498	\$ 9,956	\$ 13,966	\$ 13,711	\$ 5,476	\$ 10,883	\$ 9,359	\$ 25,518	\$ 10,699	\$ 23,093	\$ 14,583	\$ 10,466	\$ 2,563	\$ 17,564	\$ 21,654	\$ 28,895									
\$ 7,882	\$ 502	\$ 16,092	\$ 5,101	\$ 7,866	\$ 7,723	\$ 3,024	\$ 6,017	\$ 5,107	\$ 11,537	\$ 5,940	\$ 13,104	\$ 9,106	\$ 6,516	\$ 1,406	\$ 12,618	\$ 15,414	\$ 20,608									
\$ 21,273	\$ 1,355	\$ 43,211	\$ 13,766	\$ 21,230	\$ 20,843	\$ 8,240	\$ 16,441	\$ 13,740	\$ 35,441	\$ 18,245	\$ 39,699	\$ 25,122	\$ 17,581	\$ 3,446	\$ 21,488	\$ 26,072	\$ 34,803									

Land Use Category	ITE Land Use Code	Development Unit	Schedule 2: Collection Rate Per Development Unit			
			A, B, C, D, E, F, G, L, M, N, O, S, T, U, X, Y, Z	AA	W	H, I, J, K, P, Q, R, V
PORT AND TERMINAL						
Truck Terminal	030	Acre	\$ 8,124	\$ 2,068	\$ 3,971	\$ -
INDUSTRIAL						
General Light Industrial	110	1,000 SF GFA	\$ 1,215	\$ 309	\$ 594	\$ -
General Heavy Industrial	120	1,000 SF GFA	\$ 844	\$ 215	\$ 413	\$ -
Industrial Park	130	1,000 SF GFA	\$ 1,067	\$ 272	\$ 522	\$ -
Warehousing	150	1,000 SF GFA	\$ 790	\$ 201	\$ 386	\$ -
Mini-Warehouse	151	1,000 SF GFA	\$ 349	\$ 89	\$ 171	\$ -
RESIDENTIAL						
Single-Family Detached Housing	210	Dwelling Unit	\$ 2,000	\$ 382	\$ 733	\$ -
Apartment/Multi-family	220	Dwelling Unit	\$ 1,228	\$ 234	\$ 450	\$ -
Residential Condominium/Townhome	230	Dwelling Unit	\$ 1,030	\$ 197	\$ 378	\$ -
Mobile Home Park	240	Dwelling Unit	\$ 1,168	\$ 223	\$ 428	\$ -
Assisted Living	254	Dwelling Unit	\$ 435	\$ 83	\$ 160	\$ -
LODGING						
Hotel	310	Room	\$ 470	\$ 120	\$ 230	\$ -
Motel / Other Lodging Facilities	320	Room	\$ 374	\$ 95	\$ 183	\$ -
RECREATIONAL						
Driving Range	432	Tee	\$ 995	\$ 253	\$ 486	\$ -
Golf Course	430	Acre	\$ 238	\$ 60	\$ 116	\$ -
Health/Rec. Clubs and Facilities	495	1,000 SF GFA	\$ 1,305	\$ 332	\$ 638	\$ -
Ice Rink	465	1,000 SF GFA	\$ 1,879	\$ 478	\$ 918	\$ -
Miniature Golf	431	Hole	\$ 262	\$ 67	\$ 128	\$ -
Multiplex Movie Theater	445	Screens	\$ 10,855	\$ 2,763	\$ 5,306	\$ -
Racquet / Tennis Club	491	Court	\$ 2,666	\$ 679	\$ 1,303	\$ -
INSTITUTIONAL						
Church	560	1,000 SF GFA	\$ 344	\$ 88	\$ 168	\$ -
Day Care Center	565	1,000 SF GFA	\$ 6,852	\$ 1,744	\$ 3,349	\$ -
Primary/Middle School (1-8)	522	Students	\$ 79	\$ 20	\$ 39	\$ -
High School (9-12)	530	Students	\$ 72	\$ 18	\$ 35	\$ -
Jr / Community College	540	Students	\$ 62	\$ 16	\$ 30	\$ -
University / College	550	Students	\$ 109	\$ 28	\$ 53	\$ -
MEDICAL						
Clinic	630	1,000 SF GFA	\$ 4,840	\$ 1,232	\$ 2,366	\$ -
Hospital	610	Beds	\$ 1,215	\$ 309	\$ 594	\$ -
Nursing Home	620	Beds	\$ 205	\$ 52	\$ 100	\$ -
OFFICE						
Corporate Headquarters Building	714	1,000 SF GFA	\$ 1,891	\$ 481	\$ 924	\$ -
General Office Building	710	1,000 SF GFA	\$ 2,015	\$ 513	\$ 985	\$ -
Medical/Dental Office	720	1,000 SF GFA	\$ 5,028	\$ 1,280	\$ 2,458	\$ -
Single Tenant Office Building	715	1,000 SF GFA	\$ 2,339	\$ 595	\$ 1,143	\$ -
Office/Business Park	750	1,000 SF GFA	\$ 2,027	\$ 516	\$ 991	\$ -
COMMERCIAL						
Automobile Related						
Automobile Care Center	942	1,000 SF GFA	\$ 1,616	\$ 411	\$ 790	\$ -
Automobile Parts Sales	843	1,000 SF GFA	\$ 2,713	\$ 690	\$ 1,326	\$ -
Gasoline/Service Station	944	Fueling Position	\$ 1,193	\$ 304	\$ 583	\$ -
Gasoline/Service Station w/ Conv Market	945	Fueling Position	\$ 874	\$ 222	\$ 427	\$ -
Service Station w/ Conv Market and Car Wash	946	Fueling Position	\$ 871	\$ 222	\$ 426	\$ -
New and Used Car Sales	841	1,000 SF GFA	\$ 1,678	\$ 427	\$ 820	\$ -
Quick Lubrication Vehicle Center	941	Service Position	\$ 2,475	\$ 630	\$ 1,210	\$ -
Self-Service Car Wash	947	Stall	\$ 493	\$ 125	\$ 241	\$ -
Tire Store	848	1,000 SF GFA	\$ 2,881	\$ 733	\$ 1,408	\$ -
Dining						
Fast Food Restaurant with Drive-Thru	934	1,000 SF GFA	\$ 10,268	\$ 2,613	\$ 5,019	\$ -
Fast Food Restaurant without Drive-Thru	933	1,000 SF GFA	\$ 7,756	\$ 1,974	\$ 3,791	\$ -
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	\$ 3,688	\$ 939	\$ 1,803	\$ -
Sit Down Restaurant	931	1,000 SF GFA	\$ 2,485	\$ 633	\$ 1,215	\$ -
Other Retail						
Free-Standing Retail Store	815	1,000 SF GFA	\$ 2,817	\$ 717	\$ 1,377	\$ -
Garden Center (Nursery)	817	1,000 SF GFA	\$ 2,117	\$ 539	\$ 1,035	\$ -
Home Improvement Superstore	862	1,000 SF GFA	\$ 1,369	\$ 348	\$ 669	\$ -
Pharmacy/Drugstore	881	1,000 SF GFA	\$ 3,503	\$ 891	\$ 1,712	\$ -
Shopping Center	820	1,000 SF GFA	\$ 1,973	\$ 502	\$ 964	\$ -
Supermarket	850	1,000 SF GFA	\$ 5,325	\$ 1,355	\$ 2,603	\$ -
Toy/Children's Superstore	864	1,000 SF GFA	\$ 2,778	\$ 707	\$ 1,358	\$ -
Video Rental Store	896	1,000 SF GFA	\$ 5,411	\$ 1,377	\$ 2,645	\$ -
SERVICES						
Bank (Walk-In)	911	1,000 SF GFA	\$ 8,345	\$ 2,124	\$ 4,079	\$ -
Bank (Drive In)	912	1,000 SF GFA	\$ 10,172	\$ 2,589	\$ 4,972	\$ -



City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 5/13/2008 - Ordinance No. 18083-05-2008

CONTINUED FROM A PREVIOUS WEEK

DATE: Tuesday, April 29, 2008

LOG NAME: 20IMPACTFEEORD

REFERENCE NO.: G-16122

SUBJECT:

Adopt an Ordinance adding Article VIII, Transportation Impact Fees, to Chapter 30, Streets and Sidewalks, of the City Code to Establish Transportation Impact Fees

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance adding Article VIII, Transportation Impact Fees, to Chapter 30, Streets and Sidewalks, of the City Code to establish transportation impact fees.

DISCUSSION:

On February 19, 2008, the City Council approved a resolution (3586-02-2008) adopting the land use assumptions and capital improvements plan of the "Transportation Impact Fee Final Report," December 2007, prepared by Kimley-Horn and Associates, Inc. The City Council further directed staff to prepare a proposed transportation impact fee ordinance for City Council consideration.

Pursuant to state law, the Capital Improvements Advisory Committee (CIAC) for Transportation Impact Fees met to review the draft ordinance on March 26, and voted to recommend adoption with the stipulation that transportation impact fees be waived in neighborhood empowerment zones, as water impact fees are. On April 21, the Development Advisory Committee also voted to endorse the ordinance with certain amendments.

The proposed collection amounts range from 12 to 100 percent of the maximum assessable fee and approximate an average collection of 27 percent of the maximum fee. Fees will be calculated and assessed at the platting stage and will be collected at the building permit phase.

On April 22, the City Council conducted a public hearing to receive comments on the proposed transportation impact fee ordinance. State law requires the City Council to approve or disapprove the transportation impact fee ordinance within 30 days of the April 22 public hearing.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that the Customer Service Section of the Planning and Development Department is responsible for collection of transportation impact fees.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

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